

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION
ASSESSMENT APPEALS COMMISSION

Appeal of:)	
)	
LOUIS & SYLVIA BAIONI)	Shelby
Ward 80, Block 23, Parcel L29)	County
Residential Property)	
Tax Years 2005-2006)	

FINAL DECISION AND ORDER

Statement of the case

This is an appeal by the taxpayer from the initial decision and order of the administrative judge, who determined the subject property should be assessed as follows:

Parcel	Land value	Improvement	Total value	Assessment
L29	\$280,700	\$780,900	\$1,061,600	\$265,400

The appeal was heard in Memphis on April 24, 2007 before Commission members Brooks (presiding), Jones and Wade. Mr. Baioni represented himself, and the assessor was represented by John Zelinka and Nathan Chamness of her staff.

Findings of fact and conclusions of law.

The subject property is a 5,731 square foot home and lot on Garden Oak Cove in Memphis. The home is about twenty years old and has had little in the way of renovation. Mr. Baioni had the home appraised at \$950,000, but the appraiser used sales dated after the assessment date for tax year 2005 (January 1). Mr. Chamness conceded \$950,000 may be a correct value for 2006, as values have declined somewhat in the area, but he cited two nearby sales at over one million dollars to substantiate the assessor's \$1,061,000 value for 2005.

At least one of the assessor's comparables had been substantially renovated with a slate roof, hard wood salvaged from a Civil War era home, and marble countertops. The assessor's comparables do not fully take these differences into account, in the view of the Commission. When appropriate adjustments to this comparable are made, a lower value is indicated for Mr. Baioni's property.

Mr. Baioni requested at the hearing that his appeal be amended to include tax year 2006 since the time to appeal to the county board of equalization had run during the pendency of the appeal to the State Board of Equalization. The assessor neither opposed nor supported the request. The Commission finds it is its usual practice to

grant such requests, and the appeal will include 2006 unless the assessor subsequently demonstrates good cause to reconsider our action upon a timely petition.

ORDER

It is therefore ORDERED, that the initial decision and order of the administrative judge is modified to reflect the following value for tax years 2005 and 2006:

Parcel	Land value	Improvement	Total value	Assessment
L29	\$280,700	\$669,300	\$950,000	\$237,500

This order is subject to:

1. Reconsideration by the Commission, in the Commission's discretion.

Reconsideration must be requested in writing, stating specific grounds for relief and the request must be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.

2. Review by the State Board of Equalization, in the Board's discretion. This review must be requested in writing, state specific grounds for relief, and be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.

3. Review by the Chancery Court of Davidson County or other venue as provided by law. A petition must be filed within sixty (60) days from the date of the official assessment certificate which will be issued when this matter has become final.

Requests for stay of effectiveness will not be accepted.

DATED: Jun. 11, 2007

Tom Brooks
Presiding member

ATTEST:

Kelsie Jones
Executive Secretary

cc: Mr. Louis Baioni
Ms. Tameaka Stanton-Riley, Assessor's office